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Security Council

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Letter dated 2 June 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to my letter of 16 April 2003 (S/2003/431), under cover of which I forwarded for the consideration of the members of the Security Council a letter, dated 26 March 2003, from the former President of the International Tribunal for Rwanda, Judge Navanethem Pillay. In her letter, President Pillay requested that the terms of office of four non-elected permanent judges of the International Tribunal for Rwanda be extended, to allow them to dispose of a number of ongoing cases.

I also have the honour to refer to the letter dated 23 May 2003 of the former President of the Security Council, Munir Akram (S/2003/604), informing me of the action which the Security Council has taken in response to those requests. In that letter, Mr. Akram also asked me to convey to the former President of the International Tribunal for Rwanda a suggestion from the members of the Security Council that the Tribunal might wish to consider amending Rule 15 bis of its Rules of Procedure and Evidence, so as to avoid the recurrence of situations in which the President of the Tribunal might be obliged to request that the term of office of a permanent judge be extended in order to allow him or her to dispose of one or more ongoing cases.

I attach for your consideration and for the consideration of the members of the Security Council a letter, dated 2 June 2003, from the newly elected President of the International Tribunal for Rwanda, Judge Erik Møse, informing me of the decisions taken at the plenary meeting of the International Tribunal for Rwanda, held from 26 to 27 May 2003 (see annex).

In his letter, President Møse states that the Tribunal has now amended Rule 15 bis of its Rules of Procedure and Evidence in a way which should, in certain circumstances, permit a trial to continue with a new judge replacing a judge who is unable to continue sitting by reason of death, illness, resignation, non-re-election or non-extension of his or her term of office.

I should be grateful if you could bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

Letter dated 2 June 2003 from the President of the International Tribunal for Rwanda addressed to the Secretary-General

I have the honour to refer to the letter dated 23 May 2003 that was addressed to you by the former President of the Security Council, Munir Akram, following the adoption of Security Council resolution 1482 (2003). In his letter, the former President of the Security Council asked you to convey to my predecessor as President of the International Tribunal for Rwanda, Judge Navanethem Pillay, a suggestion from the members of the Security Council that the Tribunal might wish to consider amending Rule 15 bis (C) of its Rules of Procedure and Evidence, so as to avoid the occurrence of situations in which the President might be obliged to request that the term of office of a permanent judge be extended in order to allow him or her to dispose of one or more pending cases.

I am pleased to inform you that during the recent plenary meeting, held from 26 to 27 May 2003, the Tribunal amended Rule 15 bis in a way which allows, under certain circumstances, a trial to continue with a substitute judge in cases of death, illness, resignation, non-re-election and non-extension of term of office. The proposal to amend the rule was submitted prior to your letter. A similar proposal was tabled during the previous plenary meeting, held in July 2002, but was deferred due to lack of time.

Allow me also to seize this opportunity to mention that during our plenary meeting last week, the judges passed 23 rule changes. Among them are Rule 23 bis (Coordination Council) and Rule 23 ter (Management Committee). The aim of these provisions is to facilitate communication and cooperation between the three organs of the Tribunal.

I would be grateful if you could transmit this letter to the President of the Security Council, Sergey Lavrov, for his attention and the attention of the members of the Council.

(*Signed*) Judge Erik **Møse**
President